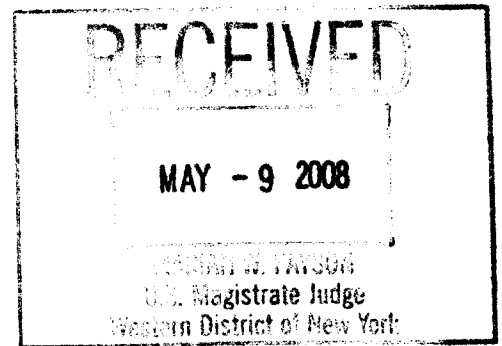


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May 9, 2008

VIA HAND DELIVERY

The Honorable Marian W. Payson
United States District Court
United States Courthouse
100 State Street
Rochester, NY 14614

Re: ***MacKenzie-Childs Ltd. v. MacKenzie-Childs et al.***,
Civil Action No. 6:06-CV-06107-MAT-MWP

Dear Judge Payson:

I am writing on behalf of MC Acquisition 2008 LLC, the entity that seeks to be substituted as plaintiff in this action. At yesterday's conference, Your Honor indicated that you wished to hear from us today regarding our efforts to agree upon a stipulated substitution order.

I telephoned Mr. Marshall after the conference yesterday and he expressed reservations about agreeing to a stipulated order. He indicated that he would be sending a letter to the Court setting forth his concerns.

After the call, I sent the enclosed draft form of order to Mr. Marshall to see whether agreement might still be reached, but have not heard anything further from him. It appears therefore that a motion will be necessary, and we respectfully request that the Court enter a schedule for briefing such motion.

Respectfully submitted,

A handwritten signature in black ink that reads "RD Rochford".

Richard D. Rochford

Any motions for substitution
of parties and/or counsel
shall be filed by no later
than 5/19/08.

SO ORDERED.

Encl.

cc: Paul G. Marshall, Esq.
Howard D. Leib, Esq.
Linda T. Prestegaard, Esq.
Jerauld E. Brydges, Esq.

A handwritten signature in black ink that reads "Marian W Payson".
MARIAN W. PAYSON
U.S. MAGISTRATE JUDGE

DATE 5/12/08